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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/545,172	04/06/2000	Shinichi Kuroda	1163-268P	9554

7590 12/26/2001

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EXAMINER

WONG, ALLEN C

ART UNIT PAPER NUMBER

2613

DATE MAILED: 12/26/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/545,172

Applicant(s)

KURODA ET AL.

Examiner

Allen Wong

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-11 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-11 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 6-11 and 20 have been fully read and considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tan (6,075,576) in view of Sun (5,969,764).

Regarding claim 6, Tan discloses an image decoding device which decodes an encoded bit stream formed by encoding images for each object, comprising:

display speed information decoding means for decoding object display speed information from said encoded bit stream (col.6, ln.55-60 discloses the VOP time increments, ie. speed is equivalent to the reciprocal of an increment or $\text{speed} = 1 / \text{increment}$ as any one of ordinary skilled would recognize; also see col.7, ln.34-50 where the decoding of the display speed information or the reciprocal of the VOP time offset is processed, ie. $1 / \text{VOP time offset} = \text{display speed}$, since VOP time offset is in the same units as the VOP time increment); and

control means for controlling the reconstruction of said encoded images encoded for each object, based on said decoded object display speed information (see figure 10

where Tan discloses the flow chart or a control means that illustrates how the reconstruction of said images are encoded for each video object depending on the display speed information or the reciprocal of the VOP time offset).

Although Tan may not appear to disclose the display speed information indicating a number of objects displayed per a unit time, however, Sun teaches the use of different bit-rates for each video object (see table 5-6 in column 12; in table 5, note the rates for Akiyo-1, Akiyo-2, News-3 have different rates, and also in table 6, the rates for Akiyo-6, News-7 and Coastguard-8 have different rates). Thus, Sun teaches an indication of a number of objects displayed per a unit time. For instance, from table 6 of Sun, the rate of the video objects from Akiyo-6 is 63.48 and the rate of the video objects from News-7 is 254.23, meaning Akiyo-6 and News-7 are displayed at different rates (object per a unit time). Therefore, one of ordinary skill in the art would obviously take the teachings of Tan and Sun as a whole for providing more information on the decoding object display speed so as to encode efficiently, meet with today's highly complex encoding standards while maintaining high image quality.

Note claims 7 and 20 have similar corresponding elements.

Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tan (6,075,576) and Sun (5,969,764) in further in view of Suzuki (6,031,575).

With regards to claims 8-11, Tan discloses the display speed information decoding means and control means. Tan and Sun may not disclose the decoded object display speed is fixed or variable. However, Suzuki teaches plural VOPs at different VOP rates, ie. display speed (col.47, ln.65 to col.48, ln.10). It is understood different

rates have different time intervals. The fact that the time axis is graduated into different time intervals is based on the incoming VOP rates. It follows that Suzuki teaches variable VOP rates. It should also be understood that if the VOP rates are not changing, it is considered fixed. Thus, both fixed and variable display rates are met by Suzuki.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact Information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen Wong whose telephone number is (703) 306-

5978. The examiner can normally be reached on Mondays to Thursdays from 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (703) 305-4856. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

AW
December 19, 2001


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600